

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WILLIE C. MCGHEE,

Plaintiff,

Case No. 1:10cv250

v.

Hon. Robert J. Jonker

ALEXANDER LIPSEY, et al.,

Defendants.

ORDER AND JUDGMENT
APPROVING REPORT AND RECOMMENDATION

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on the parties on November 8, 2010. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C).

THEREFORE, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge, filed November 8, 2010, is approved and adopted as the opinion of the court.

IT IS ORDERED that the Motion to Dismiss (docket #8) is **GRANTED**.

IT IS FURTHER ORDERED that Plaintiff's Complaint is **DISMISSED** for failure to state a claim under 28 U.S.C. § 1915(e)(2)(B)(ii). To the extent Plaintiff's Complaint may be inviting the Court to function as a court of appellate review over a state trial court, the case is also subject to dismissal for lack of subject matter jurisdiction under the *Rooker-Feldman* doctrine.

/s/ Robert J. Jonker
ROBERT J. JONKER
UNITED STATES DISTRICT JUDGE

DATED: March 18, 2011.